

**IDAHO BOARD OF CHIROPRACTIC PHYSICIANS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 2/1/2019**

**BOARD MEMBERS PRESENT:** Herbert W Oliver, D.C. - Chair  
Lynn A Hansen, D.C.  
Shannon Gaertner-Ewing, D.C.

**BOARD MEMBERS ABSENT:** Kathleen J McKay, D.C.

**BUREAU STAFF:** Kelley Packer, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Julie Eavenson, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Rob McQuade, Legal Counsel  
Debbie Toncray, Technical Records Specialist II

**OTHERS PRESENT:** Caroline Merritt, Idaho Association of  
Chiropractic Physicians  
Timothy Klena, D.C.  
Corey Matthews, D.C.

The meeting was called to order at 9:00 AM MST by Herbert W Oliver, D.C.

**INTRODUCTIONS**

Ms. Packer was introduced to the Board members as the new Bureau Chief.  
Mr. McQuade was introduced to the Board members as the Bureau's new legal counsel.

**APPROVAL OF MINUTES**

Dr. Gaertner-Ewing made a motion to approve the minutes of 11/8/2018. It was seconded by Dr. Hansen. Motion carried.

**LEGISLATIVE REPORT**

Ms. Packer gave the legislative report. She said the proposed law passed in the House, and the Bureau will let the Board know when it will be presented in the Senate.

## **INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE**

Ms. Eavenson provided an overview regarding occupational licensing and the role and timing of the service of the Interim Committee, which held its final meeting on November 26, 2018. She said the Interim Committee was authorized to go through the end of November 2018, and it proposed legislation to continue its work in 2019, and made a recommendation to look at endorsement.

Ms. Eavenson said the Interim Committee had previously voted to become a part of the National Conference of State Legislatures (NCSL) Occupational Licensing Learning Consortium. Ms. Eavenson said she attended the NCSL meeting held, in Florida, at the end of November 2019 along with Senator Todd Lakey, Senator Lori Den Hartog, and Representative Gayann DeMordaunt. Ms. Eavenson said that discussion was held regarding licensing and certification laws specifically related to nationwide alignment of licensure by endorsement with greater emphasis on military service members and their spouses.

Ms. Eavenson stated that Governor Brad Little has convened a working group to review agency Executive Order Reports in greater depth. She said the Bureau will update Board members as new information becomes available.

Ms. Packer said that two Executive Orders were issued by the Governor's Office on 1/31/2019: the Licensing Freedom Act of 2019, and the Red Tape Reduction Act. She said she was invited to participate in the process of completing the Governor's Executive Orders. She said the Executive Orders had three key points: 1) Sunrise standards for any new type of license; 2) Sunset review for all existing licensure; and 3) Red tape provisions that require Boards to remove two regulations before implementing a new one. Ms. Packer said the proposed timeline for the review process for the sunset provisions is three years.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$85,138.13) as of 12/31/2018.

## **TRAVEL POLICY OVERVIEW**

Ms. Eavenson reviewed the state travel policy with the Board.

## **DISCIPLINE**

Mr. Nelson presented a memorandum regarding case number CHI-2019-4. After discussion, the Board gave recommendations for appropriate discipline.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel presented a Notice of Violation and Settlement Order Regarding Continuing Education in case CHI-2019-3. Dr. Gaertner-Ewing made a motion to approve the

Settlement Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Hansen. Motion carried.

Ms. Peel presented a Notice of Violation and Settlement Order Regarding Continuing Education in case CHI-2019-5. Dr. Hansen made a motion to approve the Settlement Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Gaertner-Ewing. Motion carried.

## **BOARD TRAINING – ROLE OF THE BOARD**

Mr. Ellsworth provided the Board with an overview of its role.

## **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

Dr. Oliver discussed the fascial distortion model therapy with the Board. He said this is something that is listed by osteopaths as a new procedure that is being used. Dr. Oliver said he would send a link for the information to Ms. Toncray, and the Board can discuss the information at the next meeting.

Dr. Gaertner-Ewing said that she looked into the education for and use of cold lasers by chiropractic students in accredited universities. She said the use of cold lasers is being taught. The Board agreed that the use of cold lasers should be discussed in the future.

## **DRAFT APPLICATION FORM FOR REISSUANCE OF CLINICAL NUTRITION CERTIFICATION**

The Board reviewed the draft form for reissuance of clinical nutrition certification and made a minor change. Dr. Hansen made a motion to approve the form with the change. It was seconded by Dr. Gaertner-Ewing. Motion carried.

The Board discussed reviewing CE waivers in between meetings and asked the Bureau to put it on the To Do List to discuss at the next meeting.

## **CHIROPRACTIC PHYSICIAN RENEWAL APPLICATION FORM REVIEW**

The Board reviewed the draft renewal form for the chiropractic physician licenses. Dr. Gaertner-Ewing made a motion to approve the form and authorize the Bureau to use it after the proposed rules pass. It was seconded by Dr. Hansen. Motion carried.

## **DRAFT FORM: REQUEST TO MAKE LICENSE INACTIVE**

The Board reviewed the draft form a licensee would use to request an inactive license. Dr. Gaertner-Ewing made a motion to approve the form and authorize the Bureau to use it after the proposed rules pass. It was seconded by Dr. Hansen. Motion carried.

## **DRAFT FORM: REQUEST TO MAKE INACTIVE LICENSE ACTIVE**

The Board reviewed the draft form a licensee would use to request an inactive license to be made active and suggested revisions. Dr. Gaertner-Ewing made a motion to approve the revisions to the form and authorize the Bureau to use it after the proposed rules pass. It was seconded by Dr. Hansen. Motion carried.

## **NEW BUSINESS**

### **PROPOSED LAWS/RULES**

The Board discussed the possibility of having future trainings for licensees on the Board's laws and rules. The Board agreed that it will work with the Idaho Association of Chiropractic Physicians on a future presentation.

### **REVIEW OF DRAFT APPLICATION FORMS**

The Board reviewed the draft application forms for the clinical nutrition certification, the temporary permit, and the intern permit. Dr. Gaertner-Ewing made a motion to approve the forms and authorize the Bureau to post them. It was seconded by Dr. Hansen. Motion carried.

### **FEDERATION OF CHIROPRACTIC LICENSING BOARDS (FCLB) DUES**

The Board reviewed the invoice for the FCLB dues. Dr. Gaertner-Ewing made a motion to authorize payment of the dues. It was seconded by Dr. Hansen. Motion carried.

### **FCLB DIRECTORY UPDATE**

The Board reviewed the proposed revisions to the FCLB directory information. Dr. Gaertner-Ewing made a motion to authorize Ms. Toncray to submit the revisions to the FCLB. It was seconded by Dr. Hansen. Motion carried.

### **FCLB ANNUAL MEETING – MAY 2019**

The Board reviewed the meeting information. Dr. Hansen made a motion to authorize Dr. Gaertner-Ewing as the voting delegate and Dr. Oliver as the alternate delegate. It was seconded by Dr. Gaertner-Ewing. Motion carried. The Board discussed the costs for the meeting in light of the current financial status of the Board. Dr. Hansen made a motion to authorize Dr. Gaertner-Ewing to attend the May 2019 FCLB Annual Meeting in full awareness of the costs. It was seconded by Dr. Gaertner-Ewing. Motion carried. The Board discussed the meeting of the National Board of Chiropractic Examiners (NBCE) which is usually convened along with the FCLB meeting. Dr. Hansen made a motion to authorize Dr. Gaertner-Ewing as the voting delegate and Dr. Oliver as the alternate delegate. It was seconded by Dr. Gaertner-Ewing. Motion carried.

## **FCLB 2018 MEETING HIGHLIGHTS**

The Board reviewed the information from the 2018 FCLB Annual Meeting and took no action.

## **FCLB MEMBER BOARD REPORT**

The Board reviewed the request from the FCLB to provide an annual report on the Board's activities over the last year. Dr. Hansen made a motion to authorize Dr. Oliver and Dr. Gaertner-Ewing to complete and submit the report to the FCLB. It was seconded by Dr. Gaertner-Ewing. Motion carried.

## **NATIONAL BOARDS OF CHIROPRACTIC EXAMINERS (NBCE) PART IV PRACTICAL EXAM ATTENDANCE**

The Board reviewed the email from the NBCE regarding Board member attendance of the June Test Committee Meeting and the Part IV Practical Exam. The Board agreed that Dr. Oliver would attend the June Test Committee Meeting. The Board also agreed that Dr. Gaertner-Ewing would attend the Spring Part IV Practical Exam and Dr. Hanson would also attend if he was available. The Board further reviewed the information and noted that the NBCE will pay all costs for the meetings.

## **CORRESPONDENCE**

### **CLINICAL NUTRITION COURSE INFORMATION**

The Board reviewed correspondence from an applicant regarding the Board's possible approval of a practicum course to fulfill the requirement for obtaining clinical nutrition certification. The Board directed the Bureau to respond and let the applicant know he needs to take a practicum course that meets the requirements in Rule 702.03. The Board wanted the applicant to know that the course he submitted did not meet those requirements.

### **NBCE – DR. RICHARD VINCENT**

The Board reviewed the correspondence from NBCE regarding the death of Dr. Vincent and no action was taken.

### **NBCE – SCHOLARSHIP WINNERS**

The Board reviewed the correspondence from NBCE regarding the winners of the Annual Student Scholarship Competition and no action was taken.

### **CLINICAL NUTRITION CERTIFICATION PRESENTATION: DR. TIMOTHY KLENA**

Dr. Klena discussed the difficulty those who hold the clinical nutrition certifications are having in obtaining the prescription drug products in the formulary from compounding pharmacies or outsourcing facilities. Dr. Klena, the Board, and Ms. Merritt with the IACP agreed that the IACP would write proposed language for revisions to Idaho Code § 54-716 and work with a legislator to have it presented in the Legislature this year.

## **EXECUTIVE SESSION**

Dr. Gaertner-Ewing made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. Hansen, aye. Motion carried.

Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. Hansen, aye. Motion carried.

## **APPLICATIONS**

Dr. Hansen made a motion to approve the following for clinical nutrition certification:

DCA-1908 David Owens, D.C.

It was seconded by Dr. Gaertner-Ewing. Motion carried.

Dr. Gaertner-Ewing made a motion to deny the following based on Idaho Code § 54-717 and not having met the requirements for clinical nutrition certification:

DCA-1883 Kurt Bailey

It was seconded by Dr. Hansen. Motion carried.

Dr. Gaertner-Ewing made a motion to deny the following incomplete application for clinical nutrition certification:

901163027

It was seconded by Dr. Hansen. Motion carried.

## **CE COURSES**

The Board reviewed the CE courses.

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Dr. Gaertner-Ewing made a motion to come out of executive session. It was seconded by Dr. Hansen. The vote was: Dr. Oliver, aye; Dr. Gaertner-Ewing, aye; and Dr. Hansen, aye. Motion carried.

## **APPLICATIONS**

Dr. Gaertner-Ewing made a motion to amend the denial of the following application and to table the application:

901163027

It was seconded by Dr. Hansen. Motion carried.

## **CE FOR REINSTATEMENT**

The Board reviewed the CE for reinstatement.

**NEXT MEETING** was scheduled for May 10, 2019, at 9:00AM MDT.

## **ADJOURNMENT**

Dr. Gaertner-Ewing made a motion to adjourn the meeting at 3:33 PM MST. It was seconded by Dr. Hansen. Motion carried.

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Herbert W Oliver, D.C., Chair

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Lynn A Hansen, D.C.

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Kathleen J McKay, D.C.

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Shannon Gaertner-Ewing, D.C.

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Kelley Packer, Bureau Chief